

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 15, 1998

DIVISION TWO

B116116 People (Not for Publication)
v.
Sergio Martinez

The Court:

The judgment (order granting probation) is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B110367 Emelie B. Fox et al. (Not for Publication)
v.
Raoul Levy et al.

The judgment is affirmed as to the complaint, but reversed as to the cross-complaint and remanded for further proceedings. Each party to bear their own costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

B083423 Paul M. Clark, Jr. (Not for Publication)
v.
Decratrend Corporation et al.

The judgment is affirmed. The appeal as to the preliminary injunction is dismissed as moot.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

DIVISION TWO (Continued)

B097384 Harvey Kurtz (Not for Publication)

v.

Tri-Star Electronics International, Inc. et al.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.

 Fukuto, J.

B101284 Joel Misetich (Not for Publication)

v.

First Care Walk-In Medical Group et al.

The judgment is affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.

 Zebrowski, J.

B113307 In the Matter of the (Not for Publication)

Estate of Ivan B. Milburn etc.

The order appealed from is reversed. The parties shall bear their own
respective costs on appeal.

Nott, J.

We concur: Boren, P.J.

 Fukuto, J.

April 15, 1998-Continued

DIVISION TWO (Continued)

B109807 Steven J. Wohl (Not for Publication)

v.

Teledyne Systems Company, Inc.

The judgment is affirmed. TSC is awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
Fukuto, J.

DIVISION THREE

B110082 People (Not for Publication)

v.

Isidro Meraz

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

B113093 People (Not for Publication)

v.

Anthony L. Coleman

The sentence is vacated and the matter is remanded to the trial court for resentencing and correction of the abstract of judgment in accordance with this opinion. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

April 15, 1998-Continued

DIVISION FOUR

B107493 Eugenio (Not for Publication)
v.
Bank of America N.T. & S.A.

The judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B111189 City of Los Angeles
v.
Amwest Surety Insurance Company

Filed order certifying opinion for publication.

DIVISION FIVE

B117437 Wayne Keith Butler (Certified for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The petition is denied. The previously entered stay order is vacated.

Turner, P.J.

We concur: Armstrong, J.
Godoy Perez, J. (with opinion)

April 15, 1998-Continued

DIVISION FIVE (Continued)

B112317 People (Not for Publication)
v.
Vicki J. Belk

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B114925 People (Not for Publication)
v.
James Anderson

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B109813 Kathleen Kates (Not for Publication)
v.
Vincent Kates

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

April 15, 1998-Continued

DIVISION FIVE (Continued)

B113654 People (Not for Publication)

V.

Socorro Juarez

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

B101914 Andrew Hopwood (Not for Publication)

V.

Gail Hopwood

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.

Armstrong, J.

B106945 Charles Gold (Not for Publication)

V.

Gold Realty Company

The judgment is affirmed. Parties to bear own costs on appeal.

Turner, P.J.

We concur: Grignon, J.

Hastings, J. (Assigned)

April 15, 1998-Continued

DIVISION FIVE (Continued)

B111075 Francine Guillen (Not for Publication)
 v.
 Juan Arias

The order is reversed. Appellant to bear own costs on appeal.

Armstrong, J.

We concur: Turner, P.J. (with opinion)
 Godoy Perez, J.

B110067 People (Not for Publication)
 v.
 Cesar J. Abarca

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

B110437 People (Not for Publication)
 v.
 Del William Lisenbee

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B108839 Margaret A. Niewiarowski (Not for Publication)

v.

State of California, Department of Transportation

The judgment is affirmed. Niewiarowski is to pay CalTrans's costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B111813 In re Christopher M., et al. (Not for Publication)

Los Angeles County D.C.S.

v.

S.C.L.A.

Fedro D. (rpi)

The judgment is reversed and the matter is remanded to the juvenile court for reconsideration of the issue of termination of parental rights in view of the opinions expressed herein.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B107647 Raymond C. Villarreal (Not for Publication)

v.

Ramona Banuelos, Trustee of the Villarreal Family Trust

The order is affirmed. Respondent to recover her costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B110305` People (Not for Publication)

v.

Evan Bernard Freeman

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Godoy Perez, J.

B114963 People (Not for Publication)

v.

Steven S.

The judgment (order) is affirmed.

Grignon, J.

We concur: Turner, P.J.

Godoy Perez, J.

B116947 Darlene T.

v.

Superior Court, Los Angeles County

(Los Angeles County Dept. of Children and Family Services, r.p.i.)

Filed order modifying opinion. (Change in judgment.)

April 15, 1998-Continued

DIVISION FIVE (Continued)

B111546 People (Not for Publication)

V.
Simpad Zabounian

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION SIX

B112445 Ehlers (Not for Publication)

V.
Faulkner et al.

The judgment awarding appellants \$77,020 for cost of repair is affirmed. Respondents are awarded costs on appeal. With respect to the cross-complaint for indemnification, the order denying Faulkner's request for total indemnity is affirmed with costs to Lutz and PML.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B114775 People (Not for Publication)

V.
Garcia

The judgment is affirmed.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

April 15, 1998-Continued

DIVISION SIX (Continued)

B115099 Lawson (Not for Publication)
v.
Newman

The judgment is modified to delete from the cost award \$1,026.05 in telecopy, photocopy and other expenses. As modified, the judgment is affirmed. Respondents shall recover their costs and attorney fees on appeal. The matter is remanded to permit the trial court to determine the amount of such fees.

Yegan, J.

We concur: Stone, P.J.
 Coffee, J.

B112031 Swiss Connection (Not for Publication)
v.
Credit Suisse

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B090092 Rivera (Not for Publication)
v.
Schlicht

We reverse with directions to strike the award for prejudgment "interest from May 1, 1991, until January 22, 1993." The judgment in all other respects is affirmed. Rivera is awarded costs on appeal.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

April 15, 1998-Continued

DIVISION SEVEN

B107506 Alford (Not for Publication)
v.
Rigdon

The order is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B109320 Creutz (Not for Publication)
v.
Wade

The order is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B109857 Bostean (Certified for Publication)
v.
Los Angeles Unified School District

The judgment is reversed and the cause is remanded to the trial court for further proceedings consistent with the views expressed herein. Appellant is entitled to costs on appeal.

Lillie, P.J.

I concur: Johnson, J.
I concur and dissent: Neal, J. (Opinion)

DIVISION SEVEN (Continued)

B107660 Waystations, Inc., et al. (Not for Publication)
 v.
 Gale, et al.

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B116698 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Anthony C.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B115508 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Alfred G.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B118692 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Jose O.

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits. (See *In re Joanne Y.* (1992) 8 Cal.App.4th 433; *In re Shaundra L.* (1995) 33 Cal.App.4th 303, 316.)

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B108684 People (Not for Publication)
 v.
 Carter

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.